

**U S Army Corps
of Engineers**
Huntington District

Public Notice

In reply refer to Public Notice No.
200600417

Issuance Date: July 7, 2006

Stream: Unnamed Tributary to Swine Creek,
Grapevine Creek, Mill Creek and Garden Creek.

Closing Date: August 7, 2006

Please address all comments and inquiries to:

U.S. Army Corps of Engineers, Huntington District

ATTN: CELRH-OR-F Public Notice No. (reference above)

Ohio Regulatory Transportation Office

Building 10, Section 10

3990 East Broad Street

Columbus, Ohio 43218-3990

Phone: (614) 692-4660

PUBLIC NOTICE: The purpose of this public notice is to inform you of a proposal for work in which you might be interested. It is also to solicit your comments and information to better enable us to make a reasonable decision on factors affecting the public interest. We hope you will participate in this process.

REGULATORY PROGRAM: Since its early history, the U.S. Army Corps of Engineers (Corps) has played an important role in the development of the nation's water resources. Originally, this involved construction of harbor fortifications and coastal defenses. Later duties included the improvement of waterways to provide avenues of commerce. An important part of our mission today is the protection of the nation's waterways through the administration of the Corps Regulatory Program.

SECTION 10: The Corps is directed by Congress under Section 10 of the Rivers and Harbors Act of 1899 (33 USC 403) to regulate all work or structures in or affecting the course, condition or capacity of navigable waters of the United States (U.S.). The intent of this law is to protect the navigable capacity of waters important to interstate commerce.

SECTION 404: The Corps is directed by Congress under Section 404 of the Clean Water Act (33 USC 1344) to regulate the discharge of dredged and fill material into all waters of the United States, including wetlands. The intent of the law is to protect the nation's waters from the indiscriminate discharge of material capable of causing pollution and to restore and maintain their chemical, physical and biological integrity.

TO WHOM IT MAY CONCERN: The following application has been submitted for a Department of the Army Permit under the provisions of Section 404 of the Clean Water Act. This notice serves as the Corps of Engineers' request to the Ohio Environmental Protection Agency (OEPA) to act on Section 401 Water Quality Certification for the following application:

APPLICANT: Ohio Department of Transportation
1980 West Broad Street
Columbus, Ohio 43223

LOCATION: The proposed project is located on six streams (unnamed tributary to Swine Creek, unnamed tributaries one and two to Grapevine Creek, Grapevine Creek, unnamed tributary to Mill Creek, and Garden Creek) and ten (10) wetlands in Mesopotamia Township, Trumbull County, Ohio.

DESCRIPTION OF THE PROPOSED WORK: The proposed project is located on State Route 534 in Trumbull County, Ohio. The project would begin at the north end of the Mesopotamia Township Square and end at Sweet West Road, covering approximately 1.8 linear miles. The project would involve the widening of State Route 534 to accommodate two eight (8) foot buggy lanes on each side of the roadway for horse-drawn vehicles. The roadway widening would impact ten waters of the United States (wetlands) adjacent to the roadway and six stream channels.

The applicant proposes to place approximately 225 cubic yards (combined total) into six stream channels impacting a total of 817 linear feet and approximately 2025 cubic yards (combined total) of fill material into ten wetlands impacting a total of 1.32 acres. The applicant states the purpose of constructing buggy lanes to facilitate a safe means of travel for all roadway users. Tables below describe activities proposed on/in each stream and wetland.

Proposed Stream Impacts:

Waterway	Proposed Activities	Impact
Unnamed Tributary to Swine Creek	Extend existing box culvert	77 linear feet
Unnamed Trib.1. to Grapevine Creek	Extend existing box culvert	97 linear feet
Unnamed Trib.2. to Grapevine Creek	Channel fill possible	60 linear feet
Grapevine Creek	Install new box culvert	145 linear feet
Unnamed Trib. To Mill Creek	Extend existing culvert, relocate captured stream	308 linear feet
Garden Creek.	Install new slab structure over stream	130 linear feet

All of the named streams above are tributaries of the Grand River which flows into Lake Erie.

Wetland impacts for the proposed project are for the purpose of widening the roadway. The wetlands have been given W# and wetland category designations for mitigation purposes.

Proposed Wetland Impacts

Wetland	Impact (acres)	Category
W1	0.08	2
W2	0.01	1
W4	0.20	2
W5	0.31	2
W6	0.28	2
W7	0.01	1
W8	0.27	1
W10	0.07	1
W11	0.08	2
W12	0.01	2

Plans of the proposed project are attached to this public notice, pages 1 through 18, dated June 1, 2006.

MITIGATION PLAN: The applicant has proposed mitigation banking within the Grand River watershed (04110004). Stream mitigation opportunities are being explored cooperatively with multiple agencies and two watershed groups. Mitigation plans have been submitted to this office for review.

WATER QUALITY CERTIFICATION: A section 401 Water Quality Certification is required for this project. It is the applicant's responsibility to obtain the certification from the Ohio Environmental Protection Agency.

HISTORIC AND CULTURAL RESOURCES: The National Register of Historic Places (NRHP) has been consulted and it has been preliminarily determined that there are no properties currently listed on the register that are in the area affected by the project. The applicant's previous coordination with the State Historic Preservation Office is on record within the application. A copy of this public notice will be sent to the State Historic Preservation Office for their review. Comments concerning archeological sensitivity of a project area should be based upon collected data.

ENDANGERED/THREATENED SPECIES REVIEW: The project is located within the known or historic range of the following endangered species:

Indiana bat
Bald eagle
Clubshell
Eastern massasauga

The Huntington District has consulted the most recently available information regarding these species. Based on the proposed avoidance and minimization measures and the applicant's initial coordination with the United States Fish and Wildlife Service (USFWS), it has been determined that the project is not likely to adversely affect the Indiana bat or eastern massasauga. However, additional coordination with USFWS would be required for the Service to concur that the project would not have adverse effects on the Indiana Bat. Initial coordination with the Service revealed that the proposed project would have no effect on the bald eagle or clubshell mussel or designated critical habitat for any of these Federally listed species. This public notice serves as a request to the USFWS for any additional information they may have on whether any listed endangered or threatened species, or species proposed to be listed, may be present in the area which would be affected by the activity, pursuant to Section 7(c) of the Endangered Species Act of 1972 (as amended).

PUBLIC INTEREST REVIEW AND COMMENT: Any person who has an interest that may be adversely affected by the issuance of a permit may request a public hearing. The request must be submitted in writing to the District Engineer on or before the expiration date of this notice and must clearly set forth the interest which may be adversely affected and the manner in which the interest may be adversely affected by the activity. This application will be reviewed in accordance with 33 CFR 320-331, the Regulatory Program of the U. S. Army Corps of Engineers (USACE), and other pertinent laws, regulations, and executive orders. Our evaluation will also follow the guidelines published by the U. S. Environmental Protection Agency pursuant to Section 404(b) (1) of the Clean Water Act. Interested parties are invited to state any objections they may have to the proposed work. The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit that reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors that may be relevant to the proposal will be considered including the cumulative effects thereof; of those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people. Written statements on these factors received in this office on or before the expiration date of this public notice will become a part of the record and will be considered in the final determination. A permit will be granted unless its issuance is found to be contrary to the public interest.


SOLICITATION OF COMMENTS: The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. For accuracy and completeness of the administrative record, all data in support of or in opposition to the proposed work should be submitted in writing setting forth sufficient detail to furnish a clear understanding of the reasons for support or opposition. Any comments received will be considered by the

Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

CLOSE OF COMMENT PERIOD: All comments pertaining to this Public Notice must reach this office on or before the close of the comment period listed on page one of this Public Notice. If no comments are received by that date, it will be considered that there are no objections. Comments and requests for additional information should be submitted to:

Ohio Regulatory Transportation Office
Building 10, Section 10
Attn: Sheila M. Newman, COE #200600417
3990 East Broad Street
Columbus, Ohio 43218-3990

Please note that the names and addresses of those who submit comments in response to this public notice may be made publicly available. Thank you for your interest in our nation's water resources. If you have any questions concerning this public notice, please contact Sheila M. Newman of the North Regulatory Section at 614-692-4660.


Ginger Mullins, Chief
Regulatory Branch

(B)



District 4
2088 Arlington Rd
Akron, Ohio 44306
N1

PROJECT: TRU-534-24.32

PID: 23967

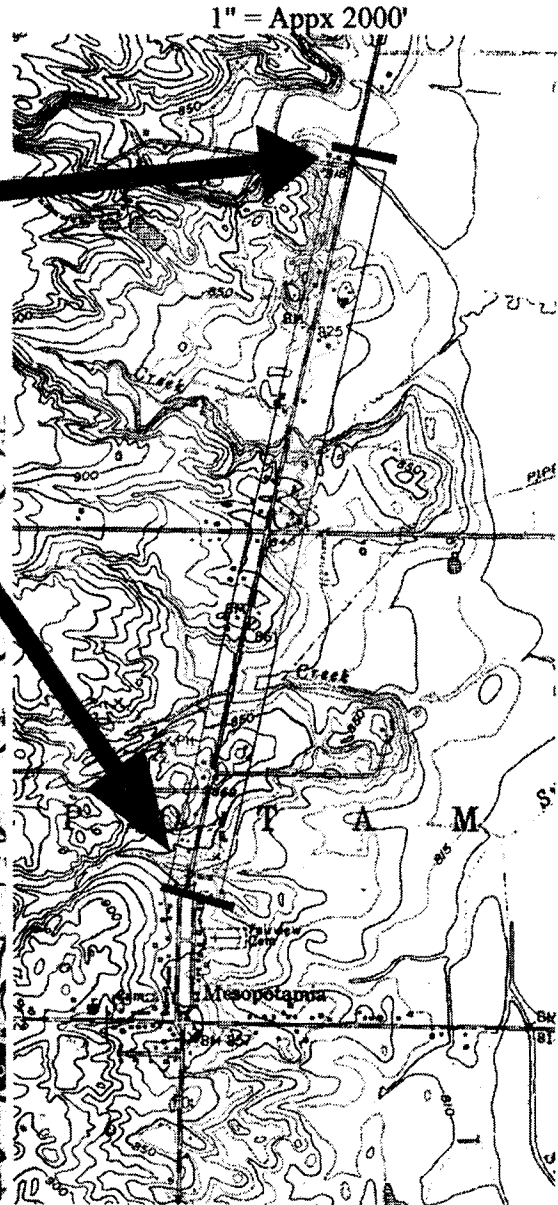
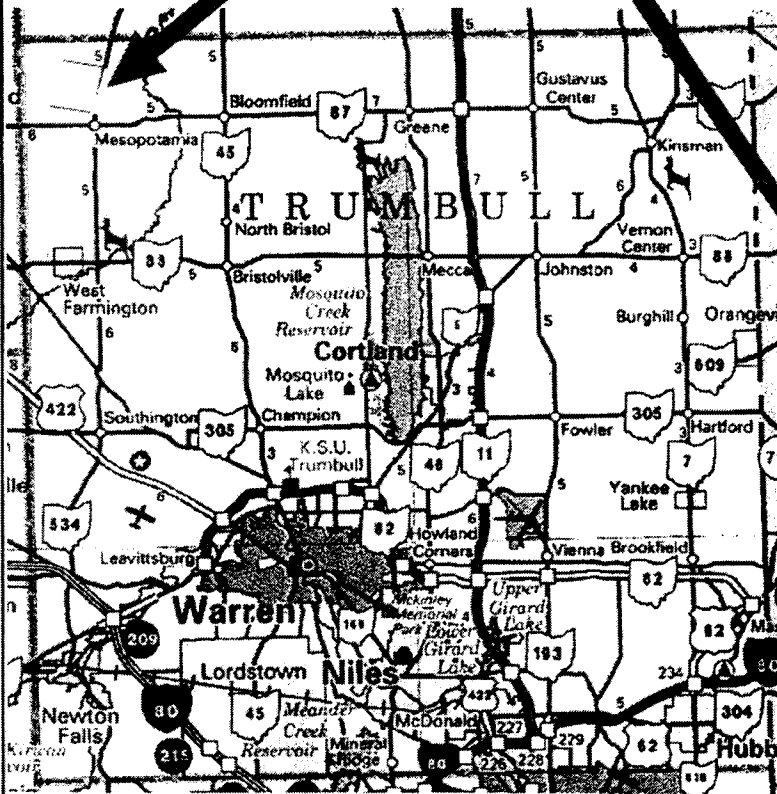
MAP: Locator Map (USGS West Farmington Quadrangle) Figure 1

SCALE: Not to Scale

DATE: 7-30-04



Project Area



ODOT is proposing to widen the paved shoulders and structures on SR534 to provide an 8-foot buggy lane for horse-drawn vehicles on each side of the highway. The project will begin at the north end of the Mesopotamia Township Square and will end at Sweet West Road (T-306B), a distance of approximately 1.8 miles. The proposed work will involve fill to approximately 1.16 acres of wetlands and work in five streams for a total of 589 linear feet of stream impacts.

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District 4
2088 Arlington Rd
Akron, Ohio 44306

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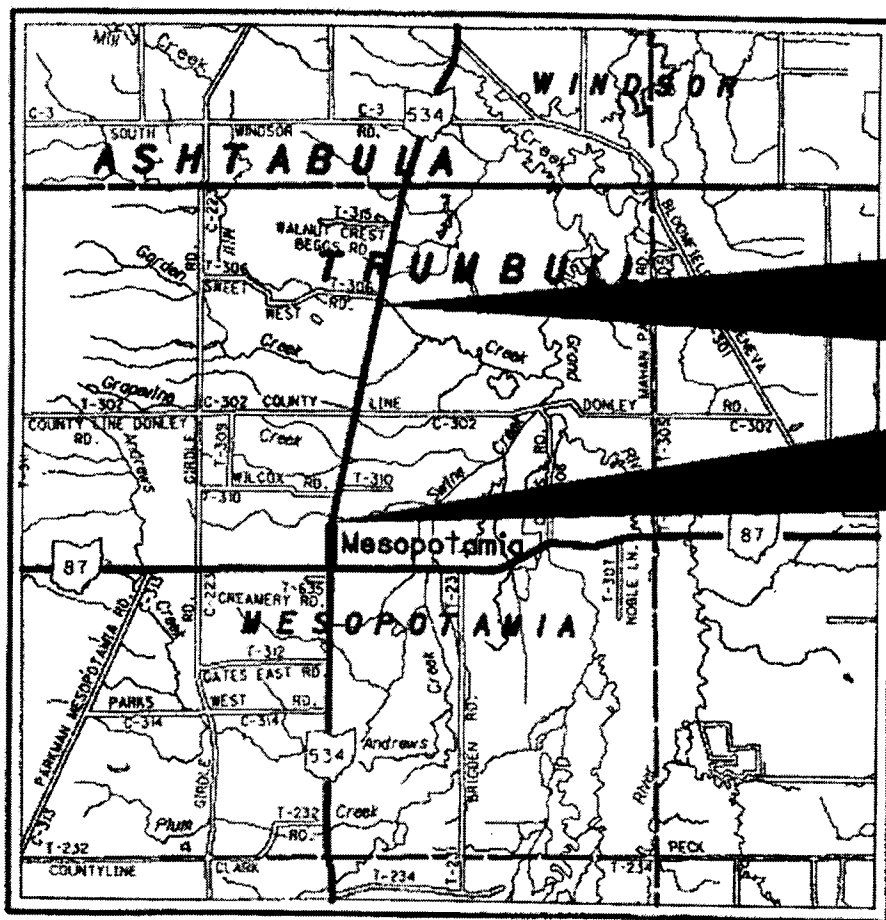
PID: 23967

MAP: Location Map

Figure 2

SCALE: Various

DATE: 12-30-05



END PROJECT
STA. 113+40.00

**BEGIN PROJECT
STA. 19+00.00**

LOCATION MAP

LATITUDE: N41°28'35"

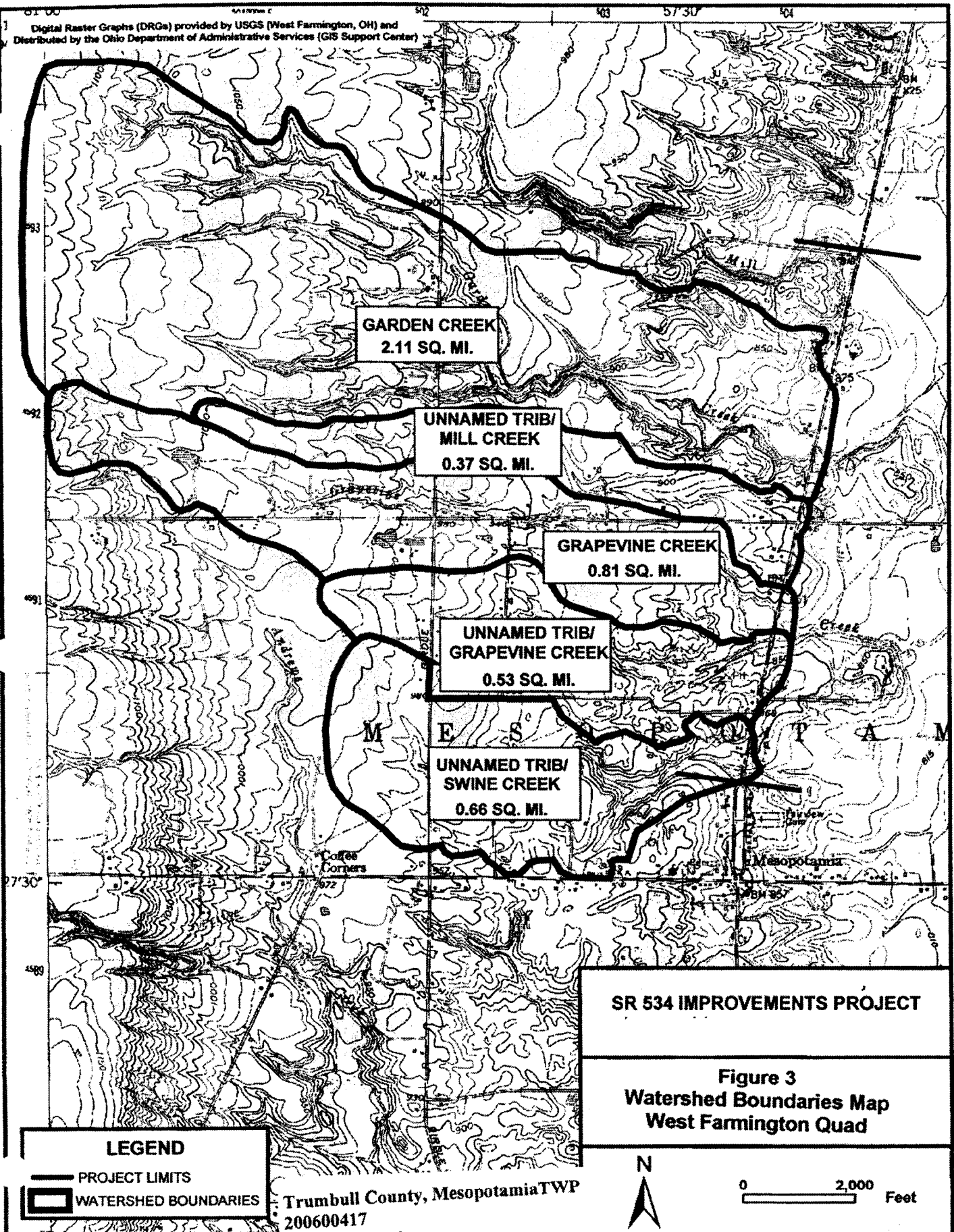
LONGITUDE: W80°59'23"

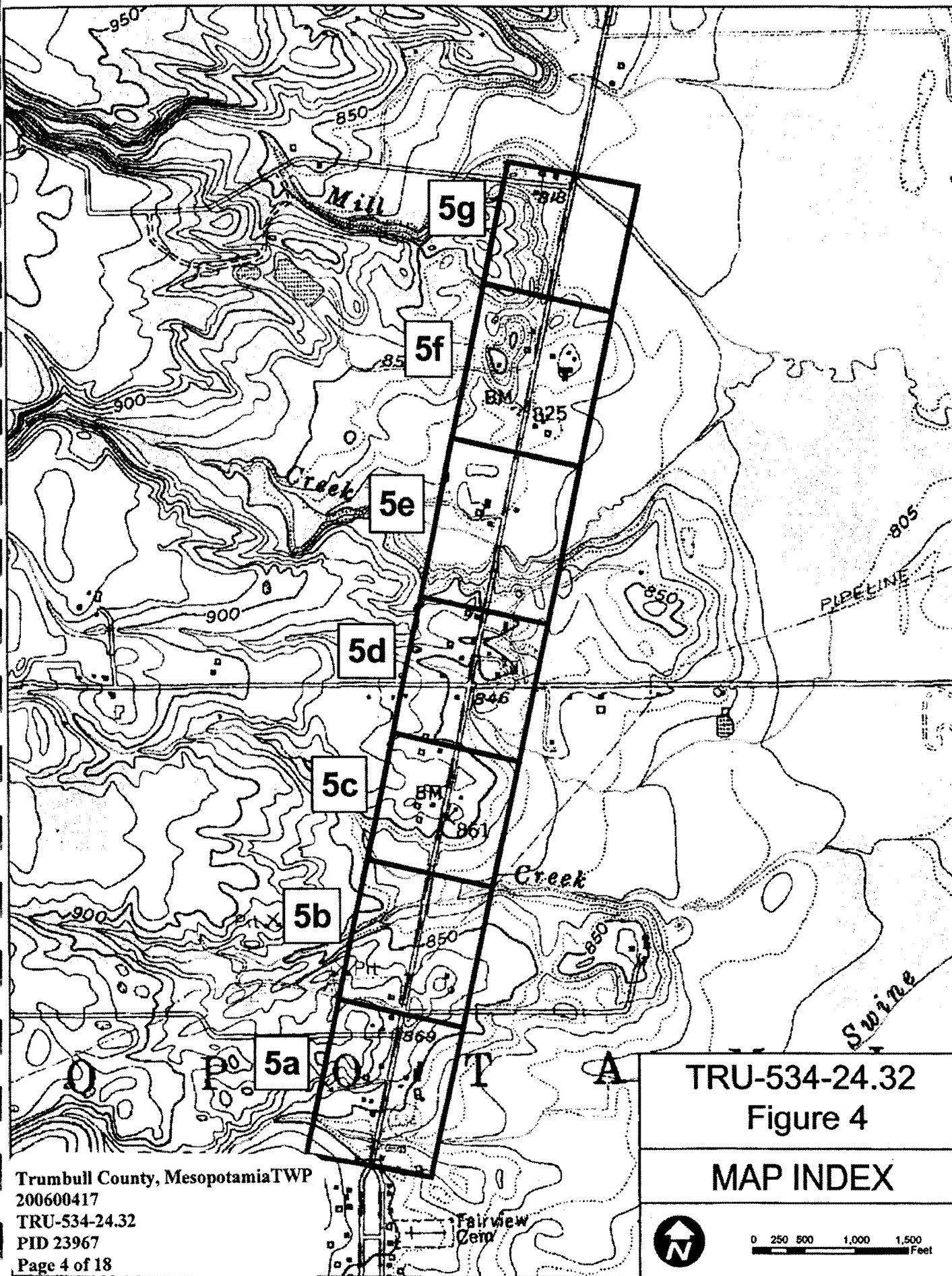
SCALE IN MILES

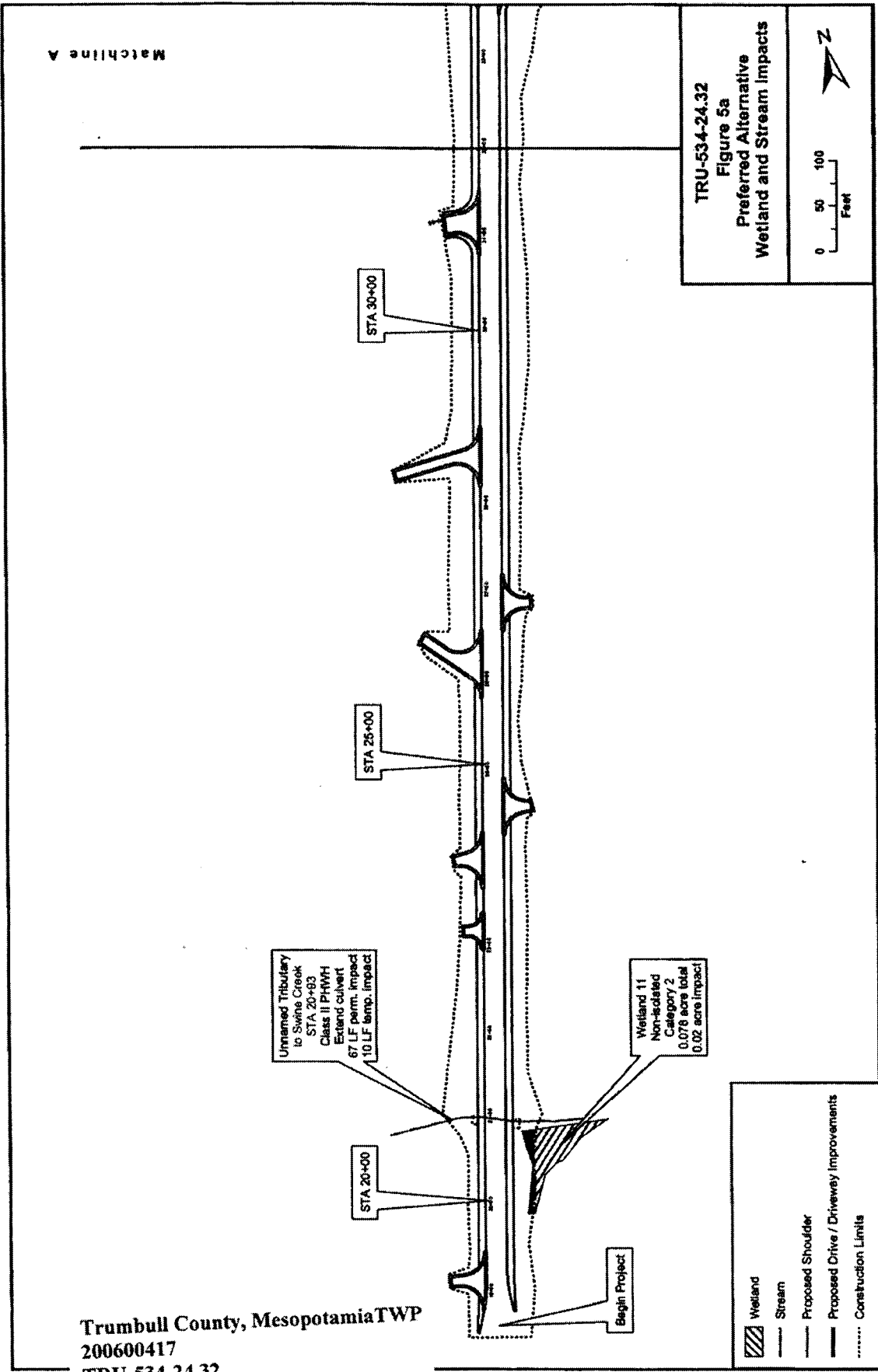


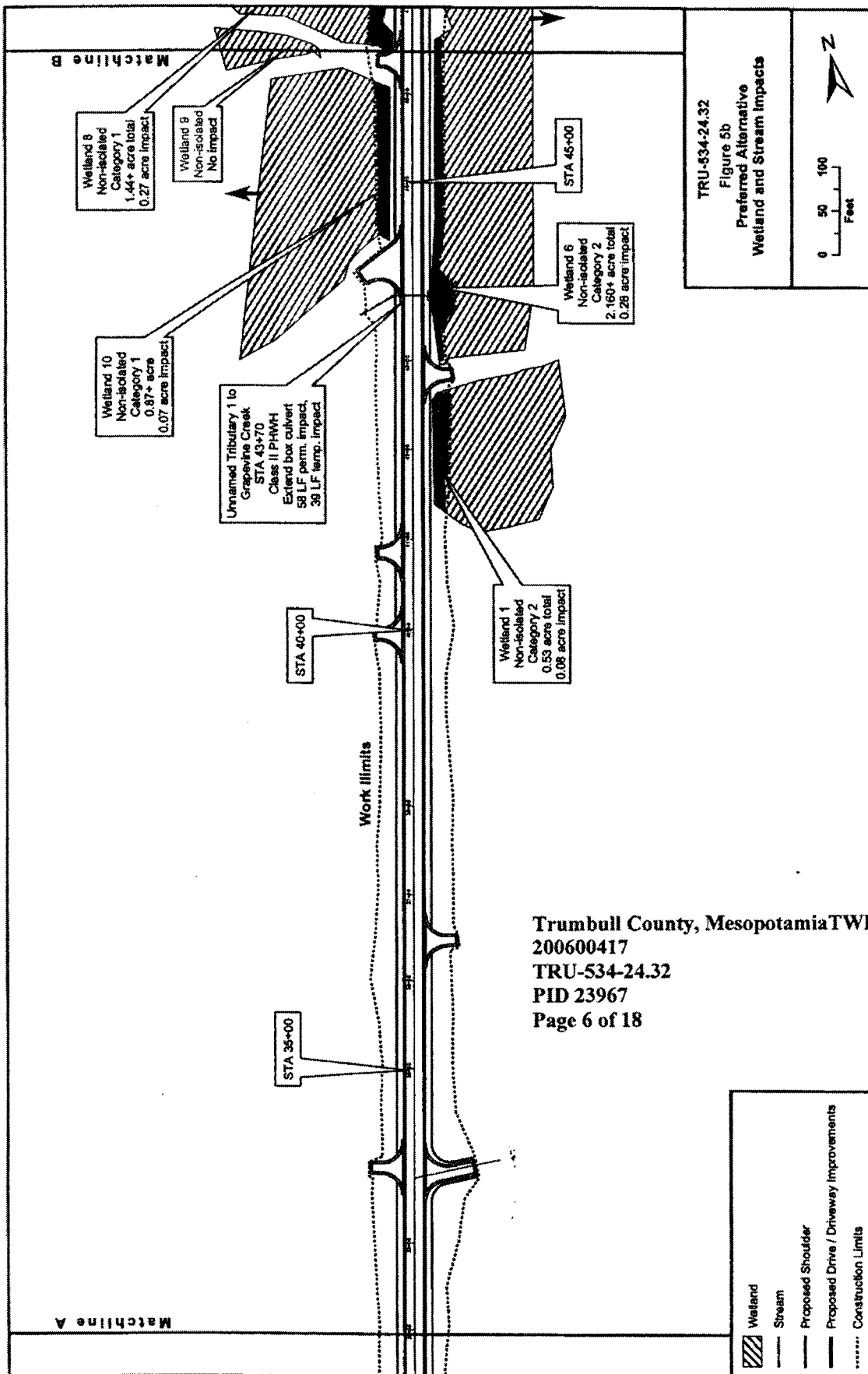
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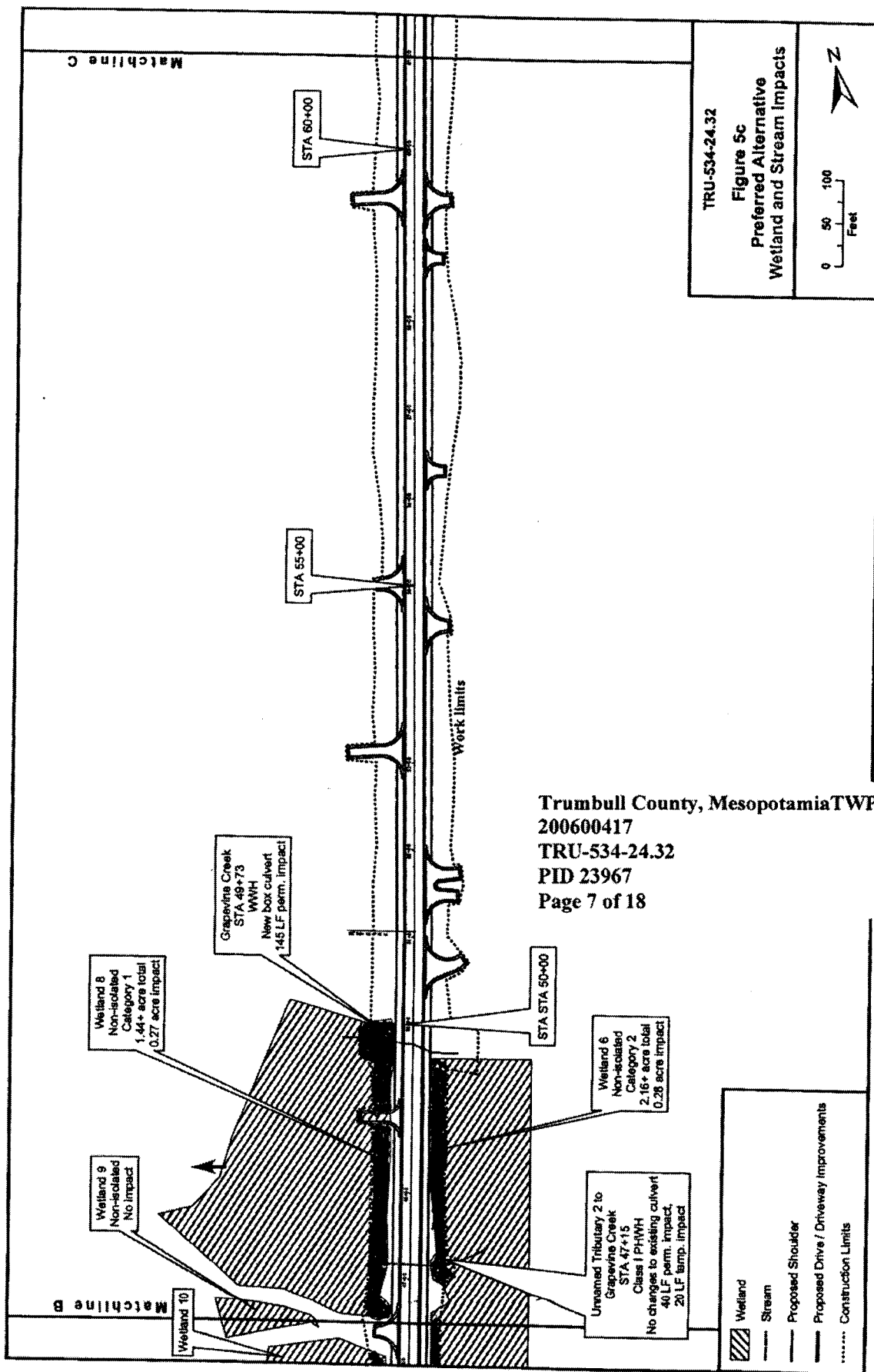
ODOT is proposing to widen the paved shoulders and structures on SR534 to provide an 8-foot buggy lane for horse-drawn vehicles on each side of the highway. The project will begin at the north end of the Mesopotamia Township Square and will end at Sweet West Road (T-306B), a distance of approximately 1.8 miles. The proposed work will involve fill to approximately 1.16 acres of wetlands and work in five streams for a total of 589 linear feet of stream impacts.



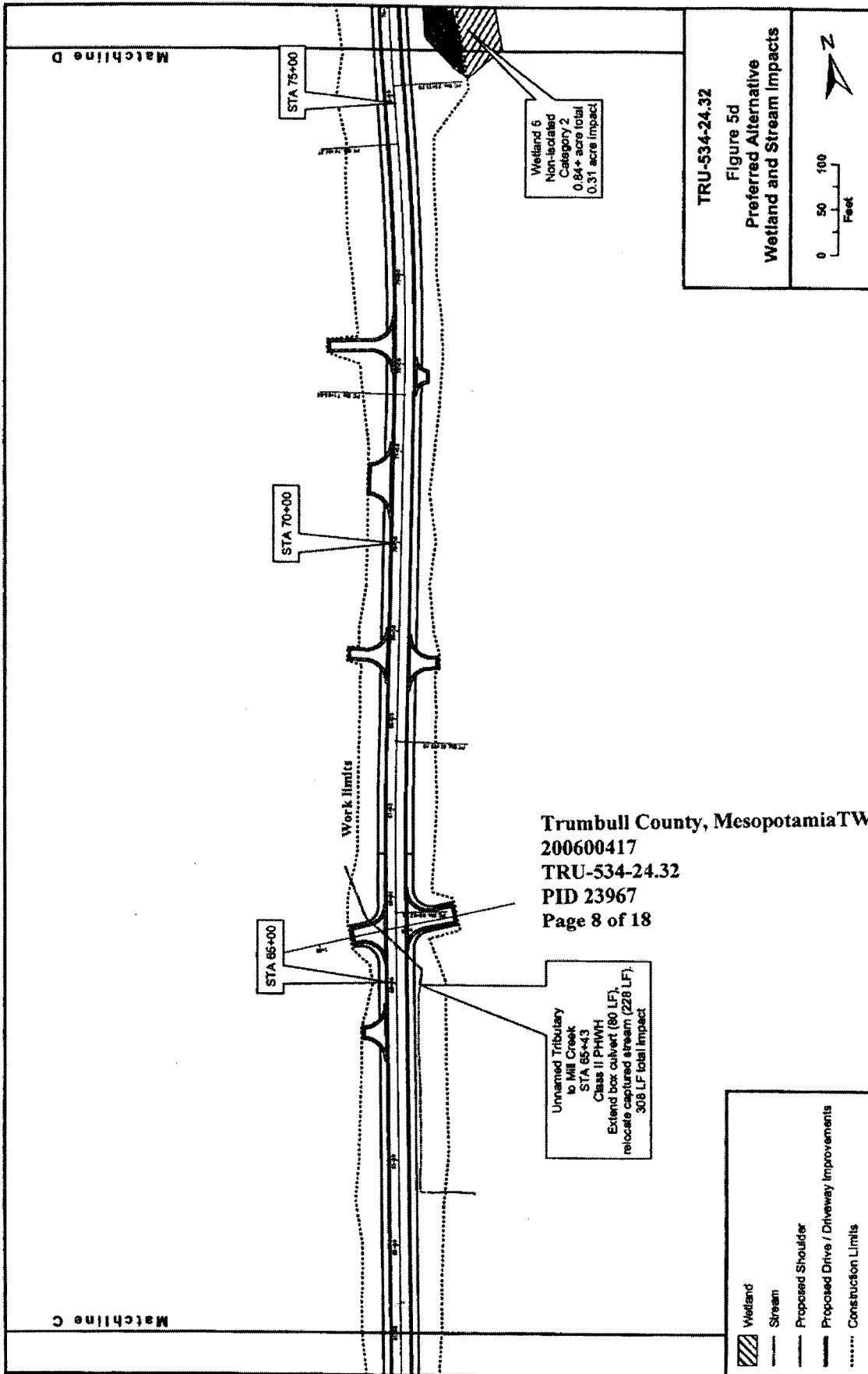


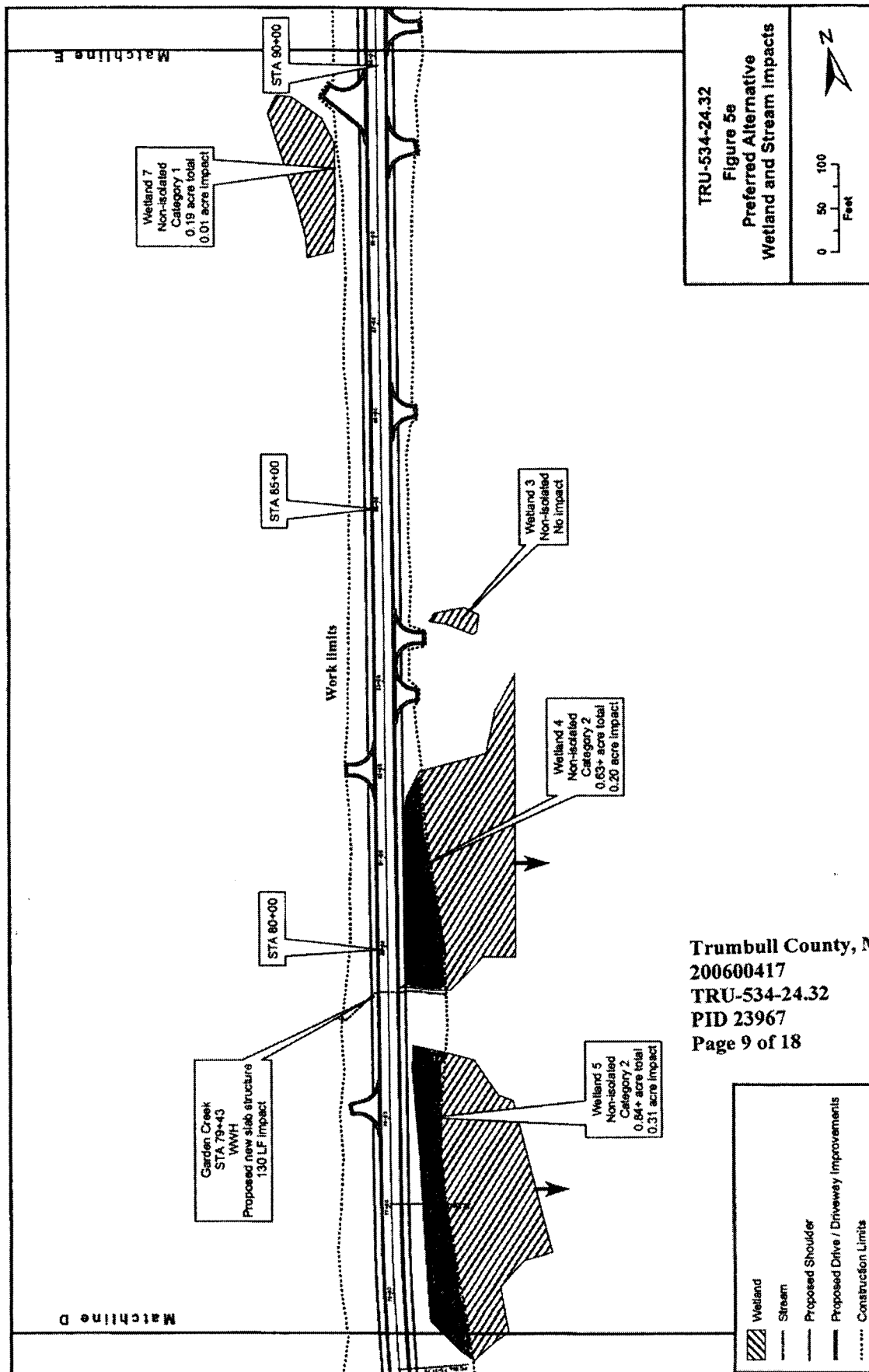






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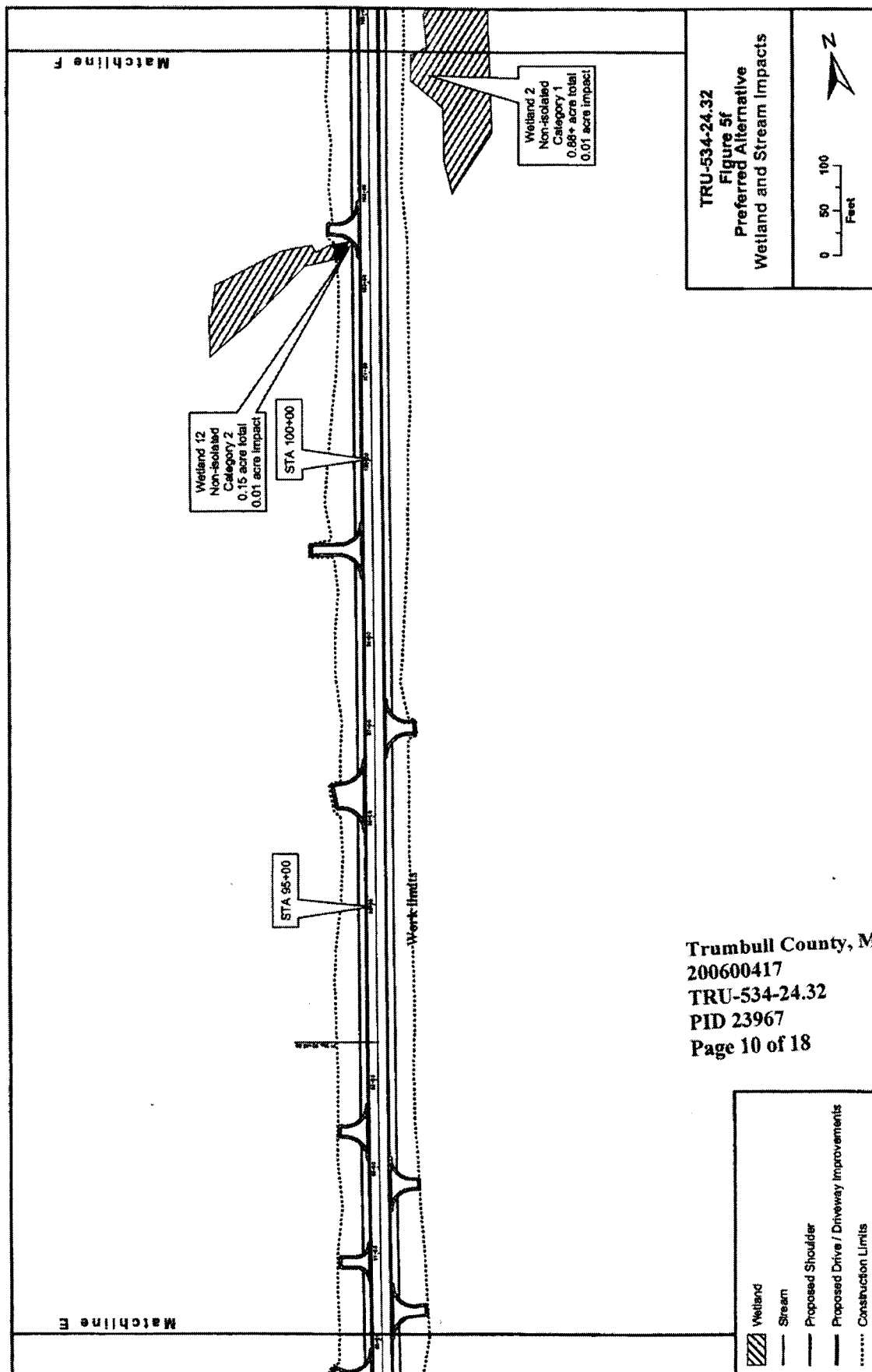




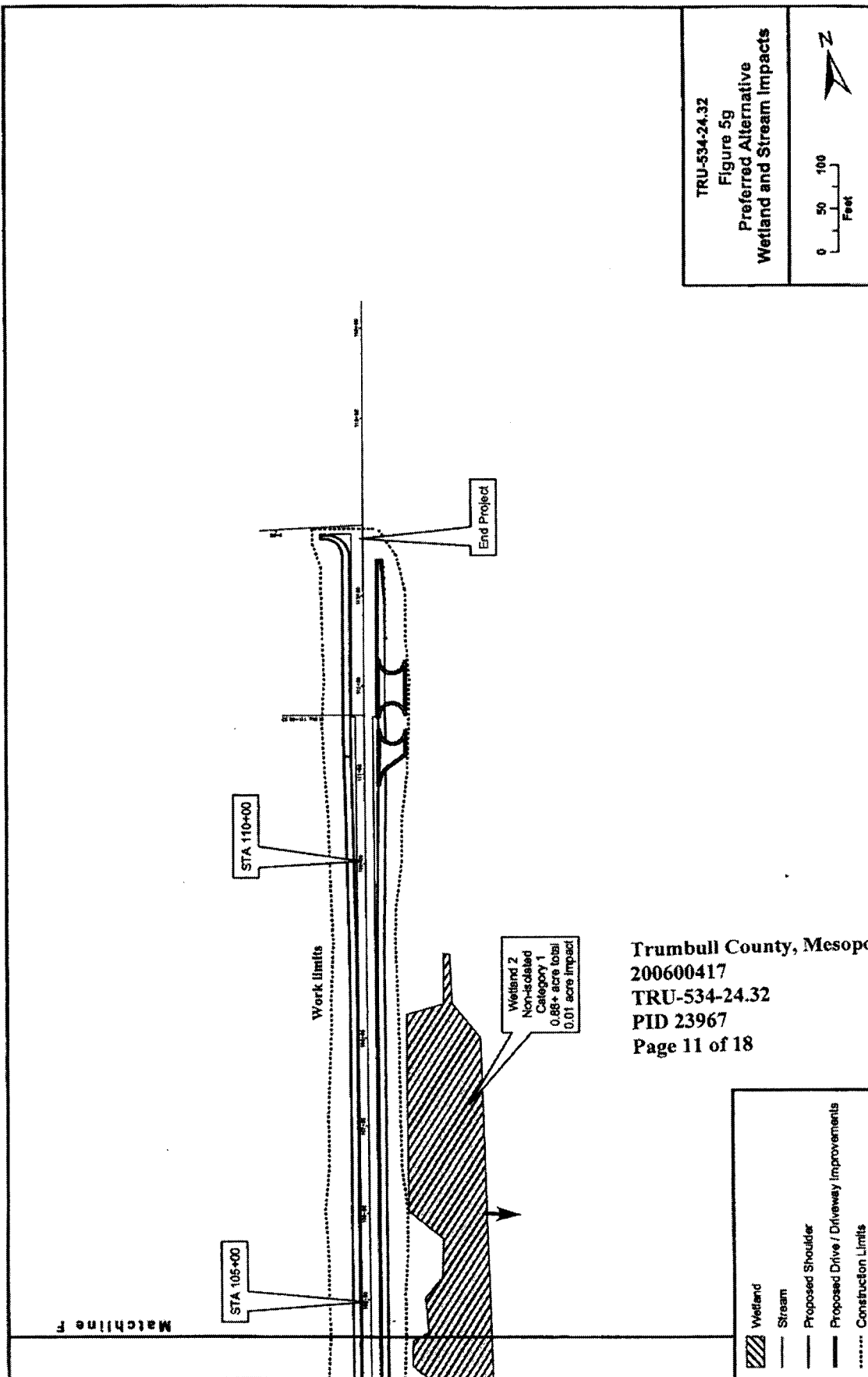
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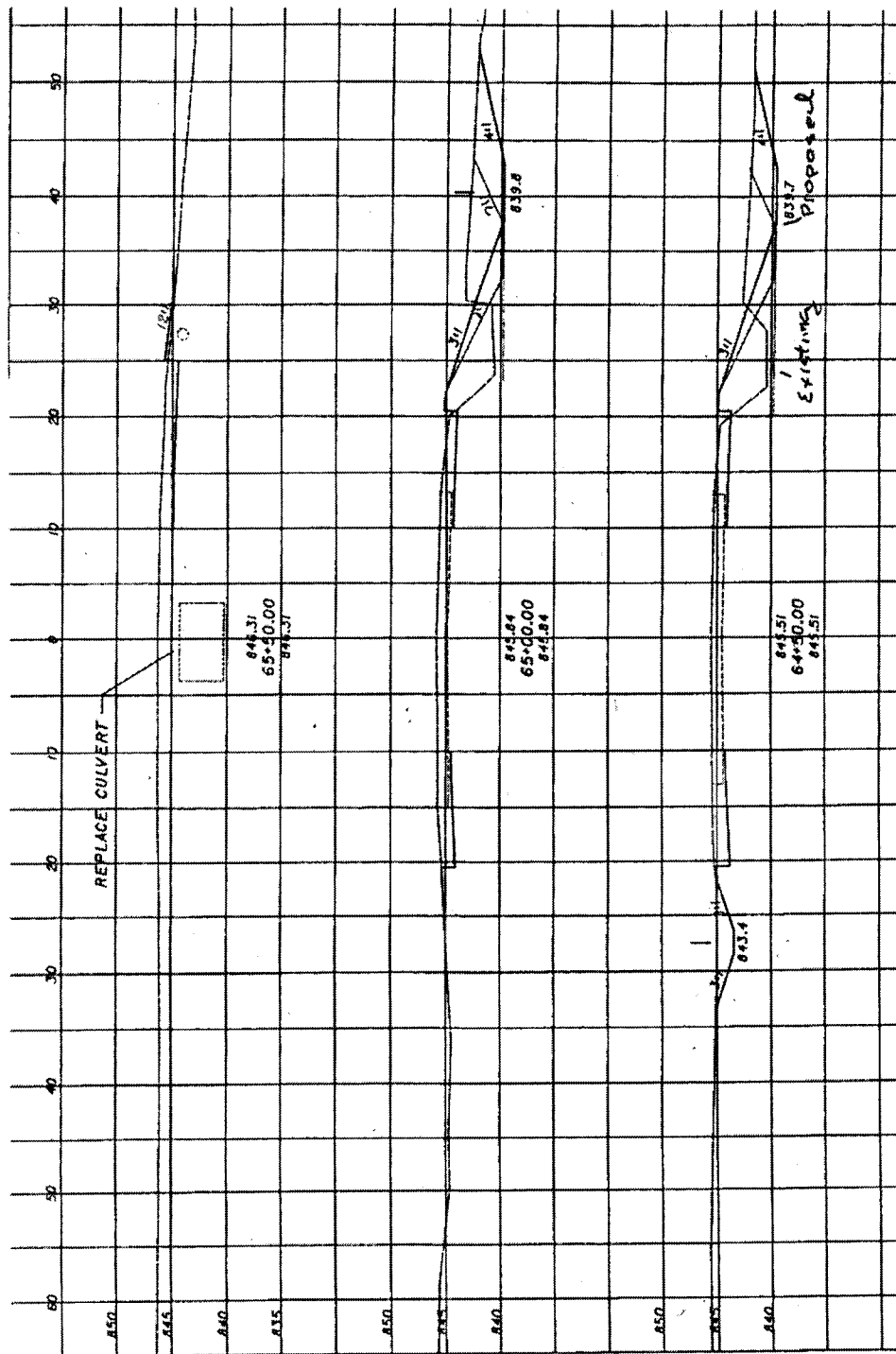
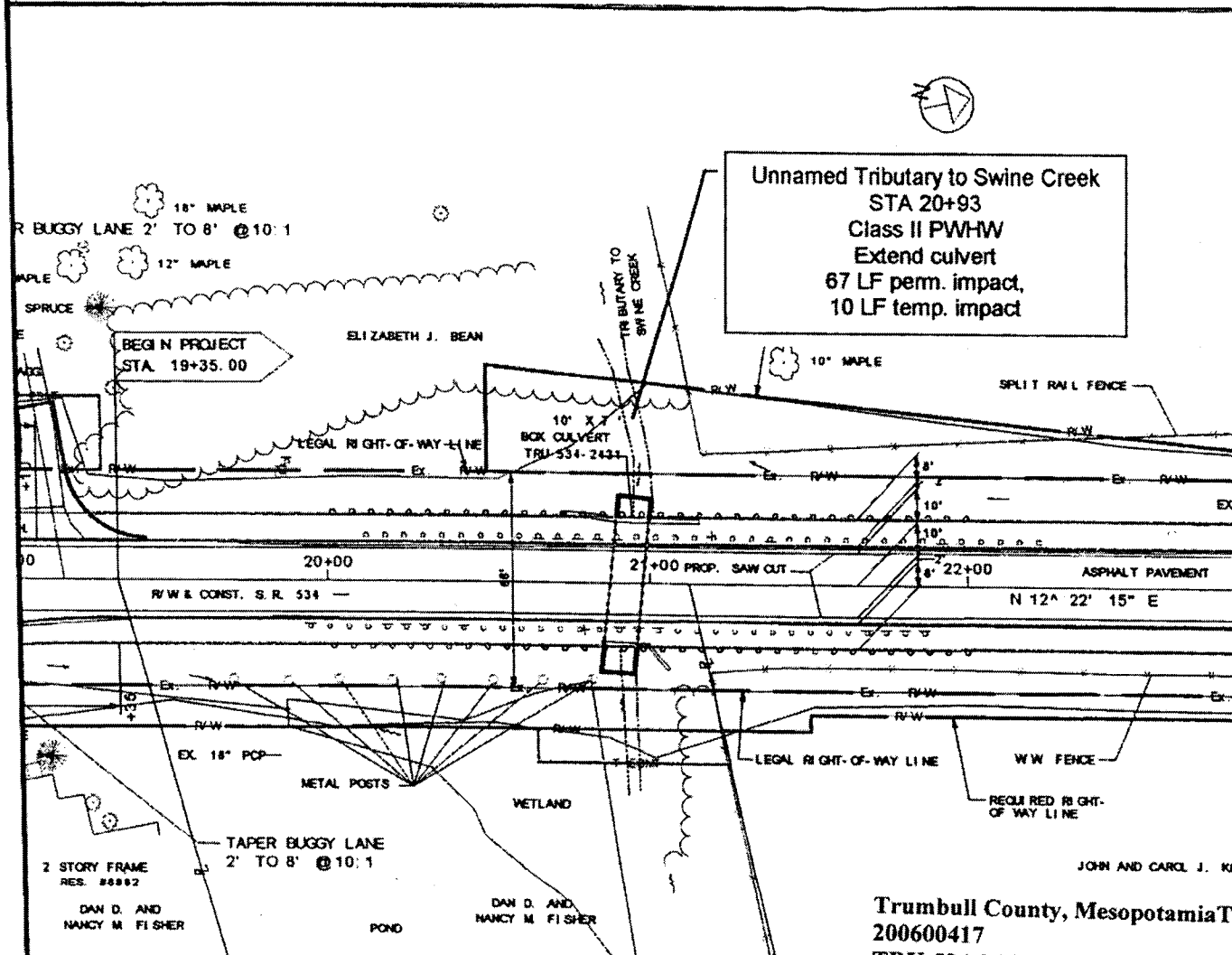
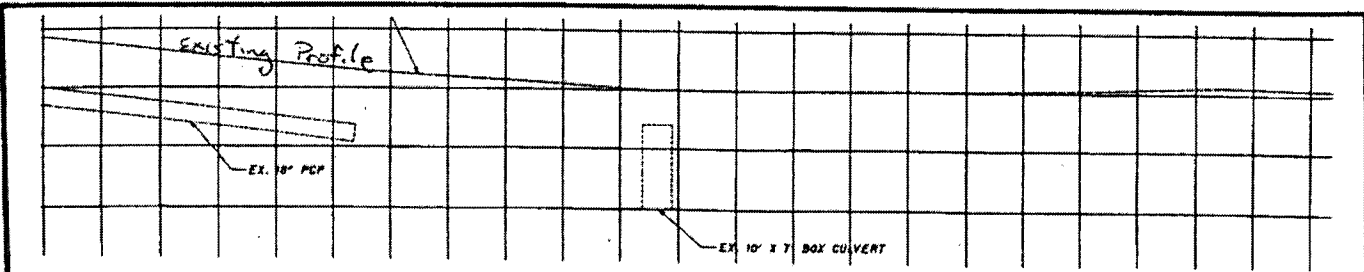


Figure 6
 Unnamed Tributary to Mill Creek - Channel Relocation Cross-Sections
 TRU-534-24.32



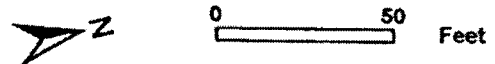
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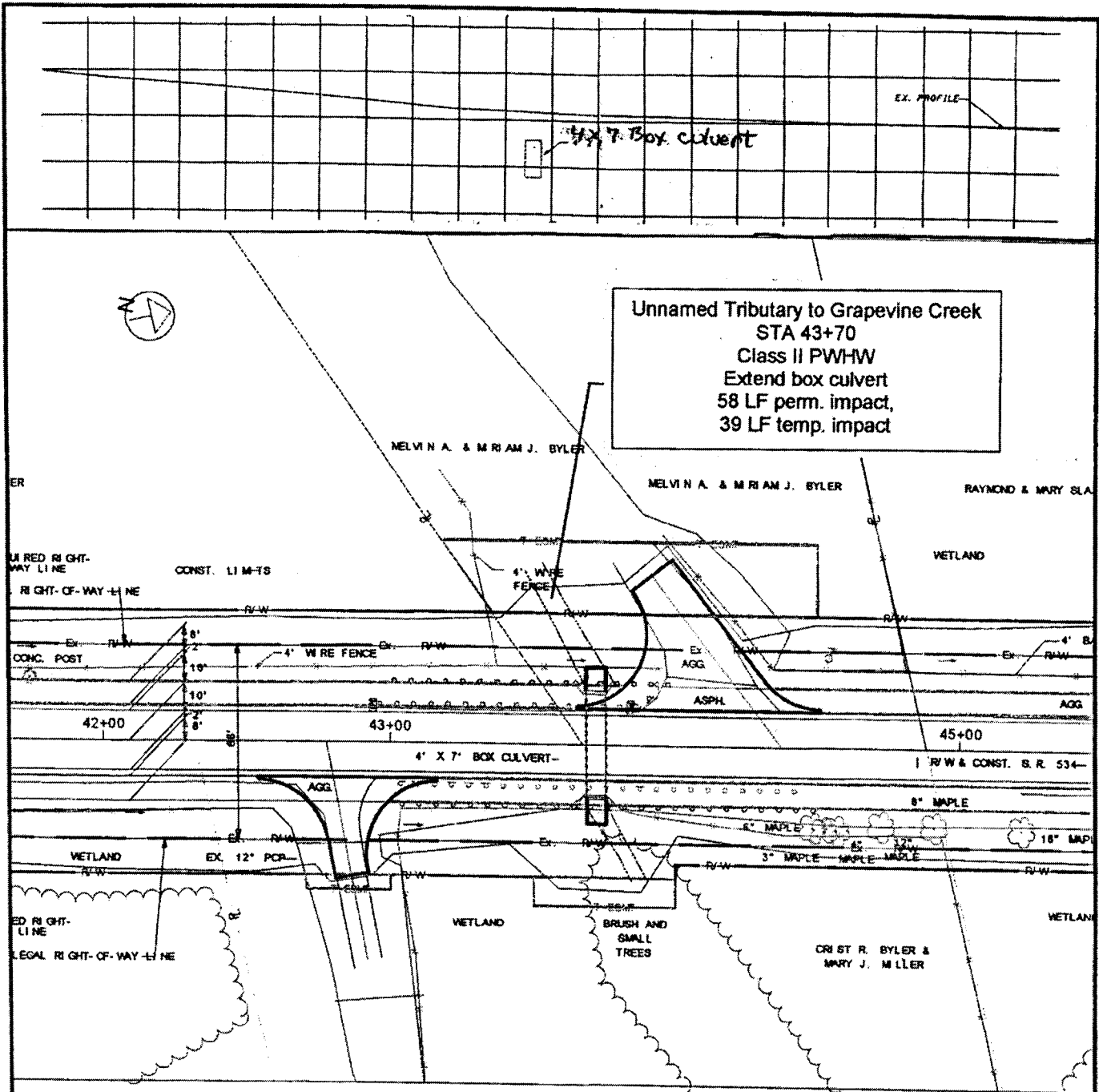
Legend

- STREAM
- PROPOSED CULVERT
- EXISTING CULVERT
- REQUIRED RIGHT-OF-WAY LINE
- TEMPORARY EASEMENT
- PROPOSED SHOULDER
- PROPOSED DRIVE / DRIVEWAY IMPROVEMENTS
- LEGAL RIGHT-OF-WAY LINE

**TRU-534-24.32
 FIGURE 7A**

**STREAM IMPACTS
 UNNAMED TRIBUTARY TO
 SWINE CREEK**





Unnamed Tributary to Grapevine Creek
 STA 43+70
 Class II PWHW
 Extend box culvert
 58 LF perm. impact,
 39 LF temp. impact

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Legend

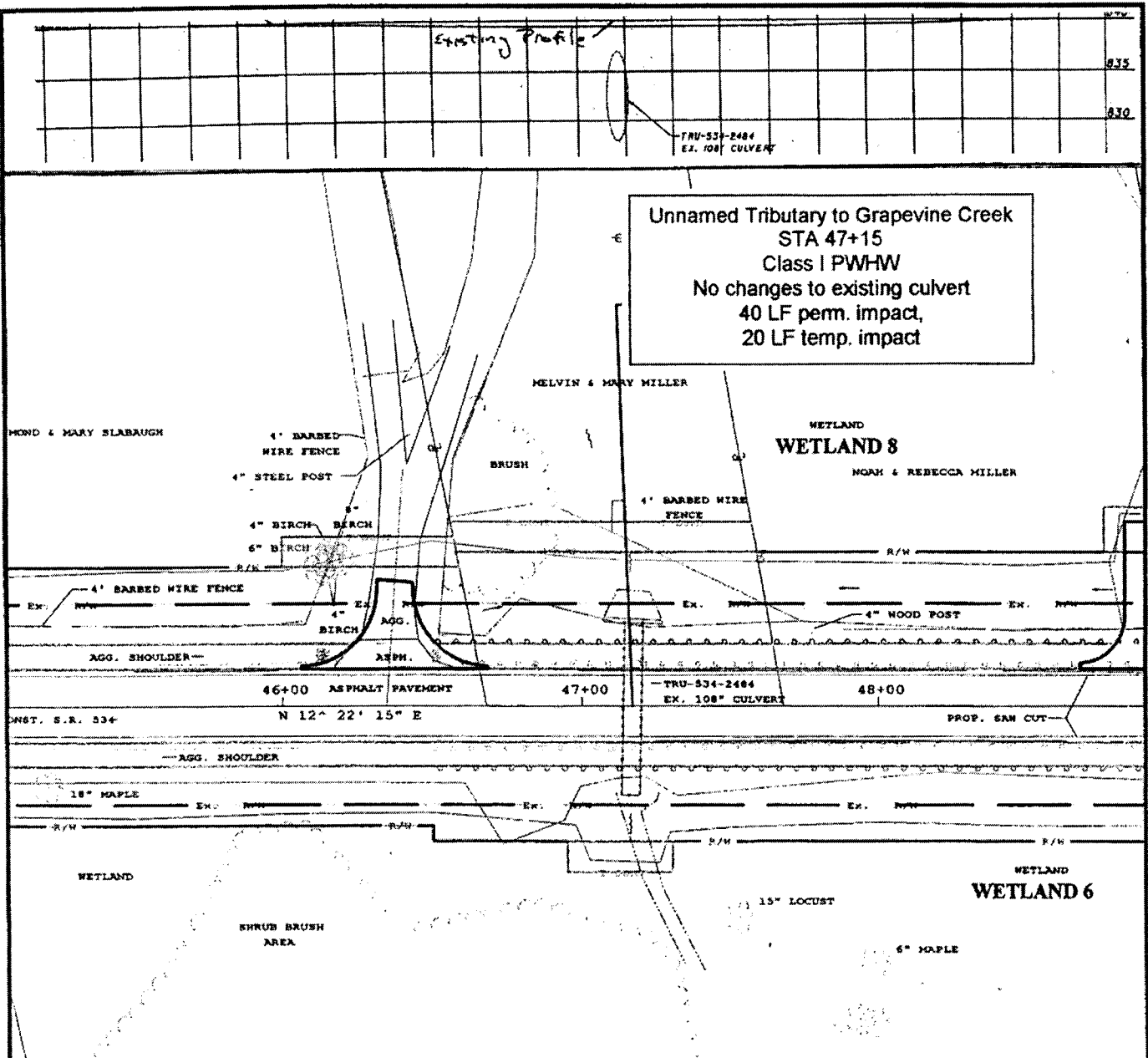
- STREAM
- PROPOSED CULVERT
- EXISTING CULVERT
- REQUIRED RIGHT-OF-WAY LINE
- TEMPORARY EASEMENT
- PROPOSED SHOULDER
- PROPOSED DRIVE / DRIVEWAY IMPROVEMENTS
- LEGAL RIGHT-OF-WAY LINE

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 FIGURE 7b

STREAM IMPACTS
 UNNAMED TRIBUTARY TO
 GRAPEVINE CREEK



0 50 Feet



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Legend

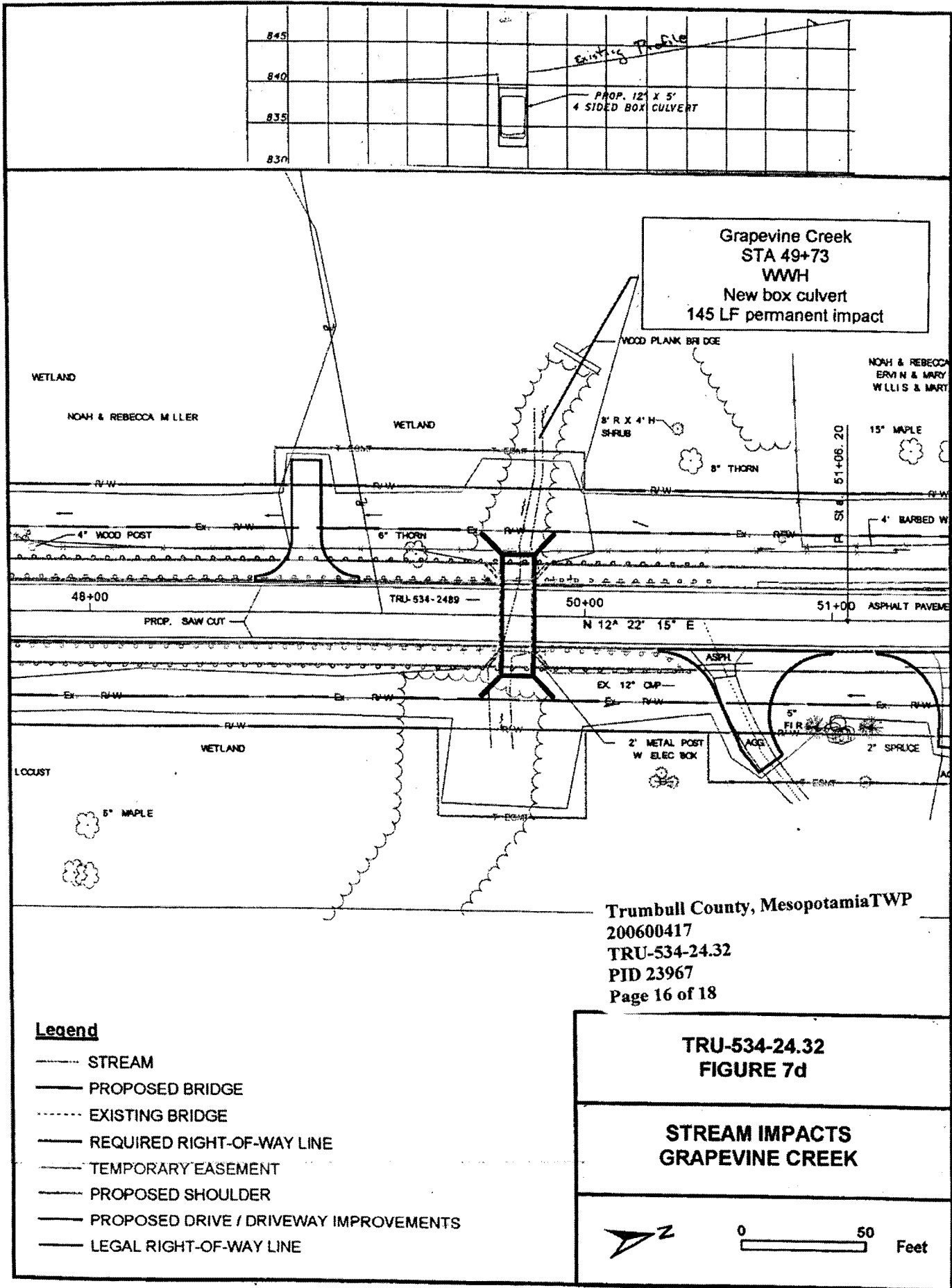
- STREAM
- PROPOSED CULVERT
- EXISTING CULVERT
- REQUIRED RIGHT-OF-WAY LINE
- TEMPORARY EASEMENT
- PROPOSED SHOULDER
- PROPOSED DRIVE / DRIVEWAY IMPROVEMENTS
- LEGAL RIGHT-OF-WAY LINE

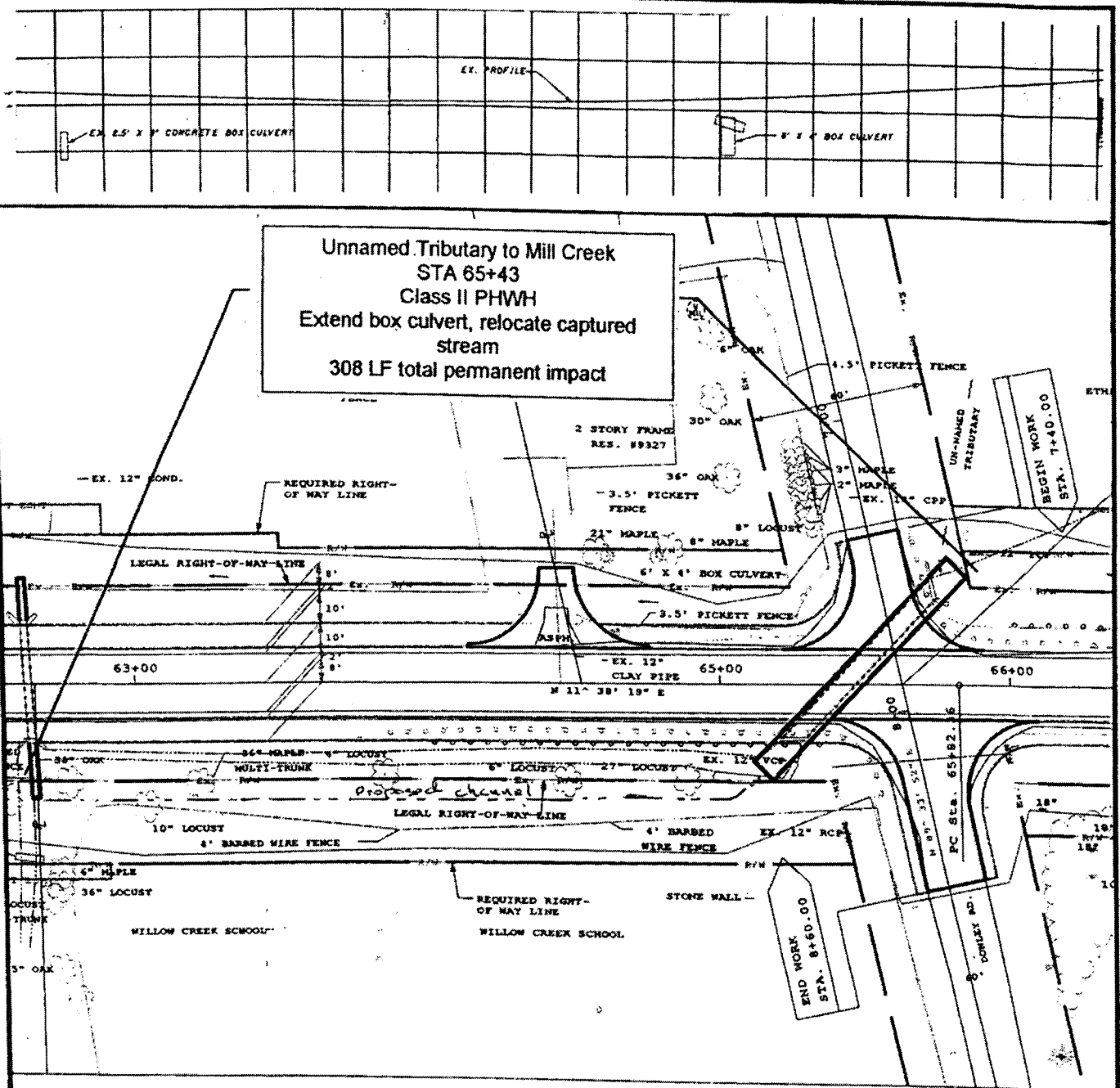
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FIGURE 7c

STREAM IMPACTS
UNNAMED TRIBUTARY 2
TO GRAPEVINE CREEK



0 50 Feet





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Legend

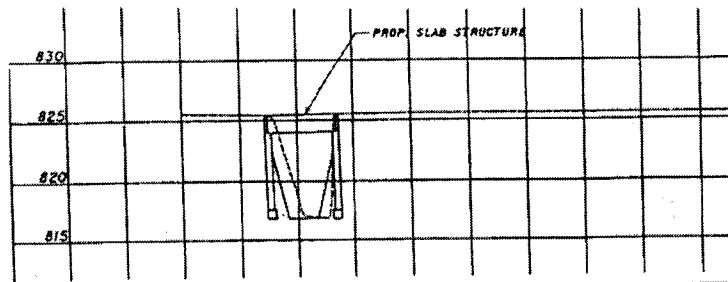
- STREAM
- PROPOSED CULVERT
- EXISTING CULVERT
- REQUIRED RIGHT-OF-WAY LINE
- TEMPORARY EASEMENT
- PROPOSED SHOULDER
- PROPOSED DRIVE / DRIVEWAY IMPROVEMENTS
- LEGAL RIGHT-OF-WAY LINE

TRU-534-24.32
 FIGURE 7e

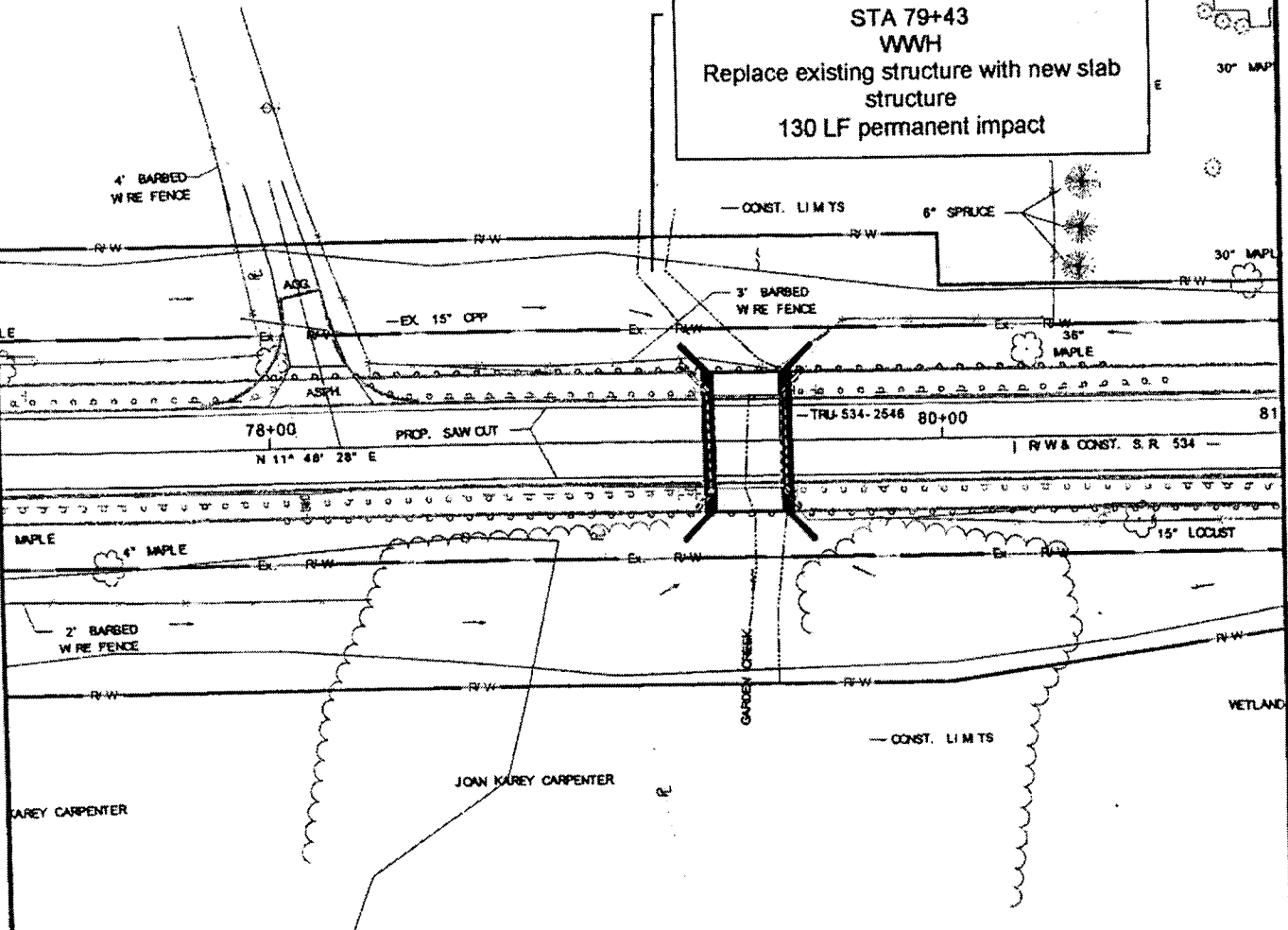
STREAM IMPACTS
 UNNAMED TRIBUTARY TO
 MILL CREEK



0 50 Feet



Garden Creek
STA 79+43
WWH
Replace existing structure with new slab
structure
130 LF permanent impact



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Legend

- STREAM
- PROPOSED BRIDGE
- EXISTING BRIDGE
- REQUIRED RIGHT-OF-WAY LINE
- TEMPORARY EASEMENT
- PROPOSED SHOULDER
- PROPOSED DRIVE / DRIVEWAY IMPROVEMENTS
- LEGAL RIGHT-OF-WAY LINE

TRU-534-24.32
FIGURE 7f

STREAM IMPACTS
GARDEN CREEK



0 50 Feet